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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,302	12/20/2001	Stephane Bouet	4208-4066	1313
27123	7590	03/25/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			CHUNG, JI YONG DAVID	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 03/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,302

Applicant(s)

BOUET, STEPHANE

Examiner

Ji-Yong D. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/4/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/14/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. ~~Claim 1-3 and 11-13~~ are rejected under 35 U.S.C. 102(e) as being anticipated by Dan-et al (Dan hereinafter).

In reference to **claim 1**, Dan shows *a method of transmitting objects during an ongoing packet transfer operation between a sending device and a receiving device* [See Fig. 1 for Browser and Web Server]

wherein said packet transfer is comprised of a plurality of packets defined in accordance with a transfer protocol [Each unit of information is given in a single "packet" or an HTML document]

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the method comprises the step of transmitting the object with the packets associated with said packet transfer between the sending device and the receiving device [The server or browser transmits “the object”].

In reference to **claim 2**, Dan shows elements of claim 1,

wherein the packets are further comprised of a plurality of packet headers and data packets defined in accordance with a transfer protocol [HTML documents have headers and bodies, see Fig. 9 and line 34-36, column 7 for the header. See Fig. 7 for the body (“data”)];

whereby said method further comprises the step of transmitting the object within the packet headers of the data transfer [See lines 20-29, column 17 for including banner object within the header].

In reference to **claim 3**, Dan shows that *the objects include a picture or a plurality of pictures for transmission the receiving device*. [See lines 20-29, column 17 for including “banner object”, which is a picture].

Claims 11-13 substantively restate the limitations of claims 1-3, but in apparatus form rather than in method form. The reasons for the rejections of claims 1-3 apply to claims 11-13. Therefore, claims 11-13 are rejected for substantially the same reasons.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Hines et al (Hines hereinafter).

In reference to **claim 5**, Dan does not show but Hines shows embedding MPEG in HTML [See claim 3 of Hines]. Hines meets claim 5's limitations because MPEG format contains fields that are stated in claim 5's limitation. The reference document Dali: MPEG Video – C API explains MPEG format.

As Dali: MPEG Video – C API reference shows, MPEG format meets the following elements of claim 5: *fields for SeriesSize for specifying the size of the picture series* [See numElements of MpegVideoIndex, in page 4], *PictureRefreshTime for specifying the length of time the picture is displayed* [See picture_rate of MpegSeqHdr in page 1, which specifies the time delay between frames], *a PictureSize for specifying the size of the picture* [See width and height in MpegSeqHdr in page 1], *and the picture data* [The body of MPEG file contains video or "picture data."].

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In reference to **claim 6**, Dan does not show but Hines shows embedding MPEG in HTML [See claim 3 of Hines]. As Dali: MPEG Video – C API reference shows, MPEG format meets the following elements of claim 6: *subsequent header for a subsequent picture in the series includes a TrasferStatus field for indicating the last picture of the series* [See SEQ_END_CODE under **Start Codes** section, page 6],

5. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Bell.

In reference to **claim 10**, Dan does not show but Bell shows *transmissions in accordance with the Object Exchange (OBEX) transfer protocol in a short range communication operating environment* [See lines 27-52, column 2 of Bell.].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dan's features with the above feature that Bell shows, because, as stated in lines 29-33 of Bell, Bell's invention allows one to "[edited] convey, i.e., receive, transmit, or exchange, data objects of different types such as virtual business cards, virtual calendars, virtual notes, or any other suitable data objects."

6. **Claims 4, 7, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Yu et al (Yu hereinafter).

In reference to **claim 4**, Dan does not show but Yu shows that *individual pictures are transmitted for display in succession on the receiving device to be viewed as a mini-clip*. See lines 10-25 where images are transmitted in reduced form.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dan's features with the above feature that Yu shows, because, as stated in lines 42-45 of Yu, Yu's invention "[*edited*]provides a generic solution to two-way communication mobile devise that can effectively interact with a data network, such as the Internet, for images." The mechanism allows one to deal with the problem described in lines 56-61, column 1 of Yu.

In reference to **claim 7**, Dan does not show but Yu shows the picture in *segments is performed over multiple Application Parameters headers when the picture is too large to fit into a single header*. See Fig. 6A and from line 57, column 7 to line 32, column 8 of Yu. First, reduced images are sent when the images cannot be displayed in its full resolution. User can choose to see each subdivisions of the picture, in a specific number of iterations.

With respect to **claim 14**, Dan does not show but Yu shows that *sending device is a wireless sending device* [See item 108, Fig. 1 of Yu].

With respect to **claim 15**, Dan does not show, but Yu shows that *the receiving device is a wireless mobile terminal having a graphics capable display* [See Fig. 2, Yu. Note that the illustrated device is capable of displaying graphics].

7. **Claims 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Yu et al (Yu hereinafter) and further in view of Hines.

In reference to **claims 8 and 9**, their limitations have been discussed with respect to claims 5 and 6. The statement of obviousness with respect to the claims 5 and 6 are as same as those given during the discussion of claims 1-7 and 10-15, in view of the references Dan, Hines, and Yu.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Barna et al., which discloses "System and Method of Monitoring and Reporting Accounting data based on volume" (U.S. Pub. No. 2002/0046277).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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